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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,050	07/09/2004	Morag Hutcheon	66347-112	1661

7590 08/11/2005

Dykema Gossett
Franklin Square Third West Floor
1300 I Street NW
Washington, DC 20005-3306

EXAMINER

DESAI, HEMANT

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

Office Action Summary	Application No.	Applicant(s)	
	10/501,050	HUTCHEON, MORAG	
	Examiner	Art Unit	
	Hemant M. Desai	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-9-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Examiner respectfully requests Applicant to provide translation of following foreign documents submitted as I.D.S.:

FR 2759882 A

WO 9712365 A

WO 9721221 A

DE 20002686 U.

Specification

2. The disclosure is objected to because of the following informalities: There are no headings, for example: "SUMMARY OF THE INVENTION", "BRIEF DESCRIPTION OF DRAWINGS", etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoerg et al. (6338405).

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Yoerg et al. discloses a method of packaging a consumer product (see col. 1, lines 57-60; col. 4, lines 25-35), the method comprising the steps of providing a container (10, fig. 1) having a housing and, disposed therein an audio integrated circuit (24, 26, fig. 2) capable of converting digital audio data into electrical audio signals (see col. 4, lines 47-55), a memory (28, fig. 4) connected to or integral with the audio integrated circuit for providing digital audio data to the audio integrated circuit, an input (52, 68, fig. 3) connected to the memory through which digital audio data can be uploaded to the memory, a transducer (60, 66, fig. 3) for receiving electrical audio signals from the audio integrated circuit and reproducing corresponding sound signals therefrom, a battery (56, fig. 2) connected to power the audio integrated circuit and the transducer, and a manually actuatable switch (38, 44, fig. 2) for causing the audio integrated circuit to operate to receive digital audio data from the memory and to provide electrical audio signals to the transducer for reproduction of audio material, inserting a consumer product (CD or DVD) into the container, and uploading to the memory, via the input terminal, digital data for output via the speaker (40, fig. 2) and pertaining to the contents of the consumer product (see col. 1, lines 54-67; col. 2, lines 1-3), which meets all the claimed limitations. Since Yoerg et al. disclose that the information may be obtain about the content of the storage media without opening the protective case, it is inherent that the protective case is sealed.

Regarding claim 2, Yoerg et al. disclose that the flexibility of selecting different consumer product and digital data is selected correspondingly (see col. 3, lines 9-67).

Regarding claim 3, Yoerg et al. disclose that the integrated circuit chip is application specific.

Regarding claim 4, Yoerg et al. disclose that the consumer product is a CD or DVD (see col. 4, lines 25-35).

Regarding claim 5, Yoerg et al. disclose that the digital data comprises excerpts from each of the tracks on the CD (track selection button 34, figs. 1-2).

Regarding claim 6, Yoerg et al. disclose that the digital data comprises excerpts from the soundtrack of the DVD (see col. 4, lines 33-34).

Regarding claim 6, Yoerg et al. disclose that the input terminal comprises an RF transceiver.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

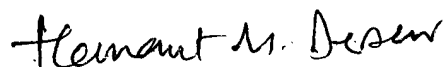
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Hemant M Desai
Examiner
Art Unit 3721

HMD